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May 27, 2020

VIA ECF

The Honorable Margo K. Brodie  
United States District Court  
for the Eastern District of New York  
225 Cadman Plaza East  
Courtroom 6F  
Brooklyn, NY 11201

Magistrate Judge James Orenstein  
United States District Court  
for the Eastern District of New York  
225 Cadman Plaza East  
Room 1227 South  
Brooklyn, NY 11201

Re: *In re Payment Card Interchange Fee and Merchant Discount Antitrust Litigation*,  
No. 1:05-MD-1720 (MKB)(JO)

Dear Judges Brodie and Orenstein:

Rule 23(b)(3) Co-Lead Class Counsel (“Class Counsel”) write to update the Court regarding events that have transpired since Class Counsel discovered information about a company called United Processing Association (“UPA”). UPA appears to be preying on class members, using the settlement as a means to sell processing or other services by falsely telling class members they are affiliated with the settlement and demanding in-person visits to class members’ businesses to purportedly review and gather 15-years’ worth of processing-related documents and making a number of false claims to merchants, including falsely claiming they are with the Federal Trade Commission.

On May 22, 2020, Class Counsel wrote to the Court to detail calls received by Epiq from class members and to provide other information concerning UPA. ECF No. 7946. Since that time, counsel for UPA has surfaced and today the parties held a call regarding the matter. Counsel for UPA has not had a chance to fully discuss the matter with UPA. Class Counsel provided a detailed explanation of the current situation and provided counsel for UPA a list of questions regarding UPA or its agents’ conduct related to MDL 1720. The parties agreed to speak again on Friday, May 29, 2020, and UPA’s counsel has committed to providing a detailed response in the coming days. It was a productive, but very preliminary discussion.

Additionally, as we noted in our May 22, 2020 letter, we had contacted the U.S. Attorneys’ Office in Arizona to provide information regarding UPA. ECF No. 7946 at 1 n.1. Today, Class Counsel received a call from a Special Agent with the U.S. Secret Service regarding the matter. Class Counsel provided a detailed description of the events regarding UPA to the agent.

**Robbins Geller  
Rudman & Dowd LLP**

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We propose providing the Court an additional update by Wednesday, June 3, 2020, at the latest.

Respectfully submitted,

*/s/ K. Craig Wildfang*

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cc: All Counsel via ECF